

ment purpose necessarily involves the power to transfer it. That Congress has constitutional sanction to retrocede to the states jurisdiction over such places has been often judicially declared.”¹¹

61. State cannot revoke or limit jurisdiction once granted to United States.—When a State has once relinquished its jurisdiction to the United States, it cannot revoke or modify the jurisdiction so granted, except with the consent of Congress. A Nebraska statute ceded to the United States exclusive jurisdiction over Fort Robinson Military Reservation in that State, subject only to the right of the State to serve and execute its processes within the reservation and to open and keep in repair public roads. Later the Legislature of Nebraska passed an act purporting to restrict or limit that jurisdiction by reserving the right to tax private property and to regulate the sale of intoxicating liquors within the ceded area. The United States District Court, in denying the right of the State to thus limit the jurisdiction already conferred, said, “No extended argument is needed to show that it was wholly without the power of the State of Nebraska to thus limit the completed cession of jurisdiction created by the act of March, 1887. When the latter act took effect, the legislative jurisdiction of the State over the reservation was wholly ceded to the United States, and until the exclusive jurisdiction thus acquired by the United States is terminated, either by the United States ceasing to own and occupy the reservation or by the United States retroceding its exclusive jurisdiction to the State, the latter is without legislative power over the reservation.”¹² And in later cases, both the United States Circuit Court of Appeals¹³ and the Supreme Court of the United States¹⁴ have recognized that a State is without authority to revoke or limit jurisdiction previously surrendered to the United States.

CHAPTER IX

PRIVATE RIGHTS WITHIN CEDED TERRITORY

62. Municipal laws of ceding State in force at time of cession remain in effect after cession.—Personal and property rights of the inhabitants of territory ceded by a State to the United States, which existed at the time of the cession, are preserved to such inhabitants within the new Federal area unless in conflict with Federal law or policy. This protection vouchsafed to persons

¹¹ *State v. Board of Commissioners*, 153 Ind. 302; 54 N. E. 809, citing *McLaughlin v. Bank*, 7 Grat. 68; *Foley v. Shriver*, 81 Va. 568; *Railroad Co. v. Lowe*, 114 U. S. 525, 5 S. Ct. 995; *Clay v. State*, 4 Kan. 49; *Crook, Horner & Co. v. Old Point Comfort Hotel Co.*, 54 Fed. 604; *People v. Godfrey*, 17 Johns. 225; 2 Story, Const. (5th Ed.) Sec. 1328; *Renner v. Bennett*, 21 Ohio St. 431.

¹² *In re Ladd*, 74 Fed. 31.

¹³ *Yellowstone v. Gallatin*, 31 Fed. (2) 644 (Ninth Circuit).

¹⁴ *United States v. Unzeuta*, 281 U. S. 138, 50 S. Ct. 284.